



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

CHRISTOPHER PHAM,
Plaintiff,

v.

**SAN NGOC HOANG, NGA TRAN
HOANG, and the M/V MASTER DALE,**
her engines, tackle, apparel, cargo, and
appurtenances, *in rem*,
Defendants.

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CIVIL ACTION NO. 1:05-cv-669

MEMORANDUM ORDER
ADOPTING THE MAGISTRATE'S REPORT AND RECOMMENDATION

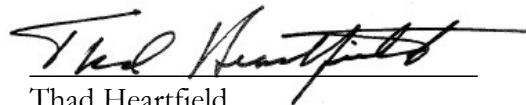
Pursuant to 28 U.S.C. § 636(b)(1)(A) and the Local Rules for the United States District Court, Eastern District of Texas, Appendix B, the Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of and recommended disposition of pretrial matters and proceedings. Pending before the Court is the *Plaintiff's Motion for Default Judgment* [Clerk's doc. #9].

On March 31, 2006, Judge Giblin issued a *Report and Recommendation on Motion for Default Judgment* [Clerk's doc. #17]. Having considered the motion, Judge Giblin recommended that the Court deny the *Motion for Default Judgment* and set aside the Clerk's entry of default against the Defendants.

To date, no party has objected to the *Report and Recommendation*. Failure to file specific, written objections to the magistrate's findings and recommendation waives *de novo* review by the District Court. *See* 28 U.S.C. § 636(b)(1). With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record. *Id.* *See also Douglas v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996)(*en banc*). Therefore, the Court need not conduct a *de novo* review but instead considers whether Judge Giblin's findings and report present plain error. *Id.*

Accordingly, having considered the *Report and Recommendation* and the record in this cause, the Court agrees with the magistrate's findings and conclusions. The Court therefore **ORDERS** that the Magistrate's *Report and Recommendation on Motion for Default Judgment* [Clerk's doc. #17] is **ADOPTED**. The Plaintiff's *Motion for Default Judgment* [Clerk's doc. #9] is **DENIED**. Pursuant to the magistrate's recommendation, the Court finally **ORDERS** that the Clerk's entry of default [Clerk's doc. #10] is set aside and **TERMINATED**.

SIGNED this the 17 day of **April**, 2006.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge